

**IN RE: AMENDMENT OF  
FILING FEE SCHEDULE  
APPENDIX "A" TO THE IDAHO RULES  
OF CIVIL PROCEDURE**

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**ORDER AMENDING  
FILING FEE SCHEDULE**

Senate Bill 1409, amending I.C. § 31-3201A on court fees, having been signed into law on March 30, 2006, with an effective date of July 1, 2006, and the court having considered the same;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the Filing Fee Schedule that appears as Appendix "A" to the Idaho Rules of Civil Procedure as they appear in the volume published by the Idaho Code Commission be, and the same is hereby, amended as follows:

SEE "FILING FEE SCHEDULE" ATTACHED HERETO

IT IS FURTHER ORDERED, that the Filing Fee Schedule adopted as part of this court's order of March 17, 2006, amending the Idaho Rules of Civil Procedure be, and the same is hereby, WITHDRAWN.

IT IS FURTHER ORDERED, that the designation of the striking of words and numbers from the Schedule by lining through them, and the designation of the addition of new portions of the Schedule by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Fee Schedule.

IT IS FURTHER ORDERED, that this order shall be effective on the first day of July, 2006.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause this Order to be published in one issue of *The Advocate*.

DATED this \_\_11th\_\_ day of April, 2006.

By Order of the Supreme Court

\_\_\_\_\_/s/\_\_\_\_\_  
Gerald F. Schroeder, Chief Justice

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Stephen W. Kenyon, Clerk

# APPENDIX "A"

## 2006 FILING FEE SCHEDULE - DISTRICT COURT AND MAGISTRATE DIVISION

### DISTRICT COURT FILING FEES - effective July 1, 2006

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTAR S Tech. Fund	Senior Mag. Judges Fund	Total
A. Civil Complaint for more than \$1,000									<del>\$ 82.00</del>
1. No prior appearance	\$ 10.00	\$ 18.00	\$ 10.00	\$ 17.00		\$ 17.00	\$ 10.00	\$ 6.00	<del>\$ 88.00</del>
2. With prior appearance (Fee Category J. Pleadings)				17.00		17.00			34.00
B. Civil Complaint for more than \$300, but not more than \$1,000									<del>62.00</del>
1. No prior appearance	10.00	18.00	10.00	10.00		4.00	10.00	6.00	<del>68.00</del>
2. With prior appearance (Fee Category J. Pleadings)				10.00		4.00			14.00
C. Civil Complaint for not more than \$300									<del>60.00</del>
1. No prior appearance	10.00	18.00	10.00	9.00		3.00	10.00	6.00	<del>66.00</del>
2. With prior appearance (Fee Category J. Pleadings)				9.00		3.00			12.00
D. Unlawful detainer, forcible detainer, forcible entry (with or without rent, regardless of the dollar amount)	10.00	18.00	10.00	10.00		4.00	10.00	6.00	<del>62.00</del> <del>68.00</del>
E. Claim and Delivery	10.00	18.00	10.00	17.00		17.00	10.00	6.00	<del>82.00</del> <del>88.00</del>
F. 1. Divorce or legal separation (\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)	10.00	18.00	10.00	52.00		23.00*	10.00	6.00	<del>123.00</del> <del>129.00</del>
* This includes \$5.00 taken from the State General Fund fee, which shall be separately identified and deposited in the District Court Fund, for establishing a uniform system of qualifying counselors in domestic violence cases. I.C. § 31-3201A(pg)									
2. Annulment (\$1.00 for court clerk fee)	10.00	18.00	10.00	17.00		18.00	10.00	6.00	<del>83.00</del> <del>89.00</del>

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/ Guard- ship Project Fund	County Dist. Ct. Fund	ISTAR S Tech. Fund	Senior Mag. Judges Fund	Total
3. Paternity Action	10.00	18.00	10.00	17.00		17.00	10.00	<u>6.00</u>	<del>82.00</del> 88.00
G. 1. Petition to release common law or other lien.						35.00	10.00		45.00
2. Habeas corpus actions filed by non-indigent prisoners				17.00		17.00	10.00	<u>6.00</u>	<del>44.00</del> 50.00
3. All other actions or petitions (not demanding dollar amounts)	10.00	18.00	10.00	17.00		17.00	10.00	<u>6.00</u>	<del>82.00</del> 88.00
H. Small Claims		18.00	10.00			7.00			35.00
I. Civil Answers or Appearances									
1. Civil cases over \$1,000									<del>52.00</del>
a. No prior appearance	10.00	18.00		10.00		4.00	10.00	<u>6.00</u>	<del>58.00</del> 58.00
b. With prior appearance (Fee Category J. Pleadings)				10.00		4.00			14.00
2. Civil cases for more than \$300, but not more than \$1,000									<del>52.00</del>
a. No prior appearance	10.00	18.00		10.00		4.00	10.00	<u>6.00</u>	<del>58.00</del> 58.00
b. With prior appearance				10.00		4.00			14.00
3. Civil cases not more than \$300				10.00		4.00	10.00	<u>6.00</u>	<del>24.00</del> 30.00
4. Unlawful detainer, forcible detainer, forcible entry									<del>52.00</del>
a. No prior appearance	10.00	18.00		10.00		4.00	10.00	<u>6.00</u>	<del>58.00</del> 58.00
b. With prior appearance (Fee Category J. Pleadings)				10.00		4.00			14.00
5. Claim and Delivery									<del>52.00</del>
a. No prior appearance	10.00	18.00		10.00		4.00	10.00	<u>6.00</u>	<del>58.00</del> 58.00
b. With prior appearance (Fee Category J. Pleadings)				10.00		4.00			14.00
6. Divorce or legal separation									<del>52.00</del>
a. No prior appearance	10.00	18.00		10.00		4.00	10.00	<u>6.00</u>	<del>58.00</del> 58.00
b. With prior appearance (With Category J. Pleadings)				10.00		4.00			14.00
7. All other actions									<del>52.00</del>
a. No prior appearance	10.00	18.00		10.00		4.00	10.00	<u>6.00</u>	<del>58.00</del> 58.00

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTAR S Tech. Fund	Senior Mag. Judges Fund	Total
b. With prior appearance (Fee Category J. Pleadings)				10.00		4.00			14.00
8. Small Claims									No Fee
9. Paternity Action	10.00	18.00		10.00		4.00	10.00	6.00	<del>52.00</del> 58.00
10. Stipulation for Entry of Judgment									No Fee
<del>10-11</del> Any answer after an appearance									No Fee
J. Special motions, petitions and pleadings									
1. Motion for change of venue									
a. No prior appearance	10.00	18.00		10.00		9.00	10.00	6.00	<del>57.00</del> 63.00
b. With prior appearance (Fee Category J. Pleadings)						9.00			9.00
2. Order granting change of venue (pay to new county)						9.00			9.00
3. Petition to vacate or renew a judgment or reopen a case after no activity for one year, except for executions on judgment.									
a. No prior appearance	10.00	18.00	10.00			9.00	10.00	6.00	<del>57.00</del> 63.00
b. With prior appearance (Fee Category J. Pleadings)						9.00			9.00
4. Motion to reopen divorce action or to amend or modify divorce decree	10.00	18.00	10.00	15.00		17.00	10.00	6.00	<del>80.00</del> 86.00
a. No prior appearance									
b. With prior appearance (Fee Category I. or J. Pleadings)				15.00		17.00			32.00
5. Petition for Intervention	10.00	18.00	10.00			7.00	10.00	6.00	<del>55.00</del> 61.00
6. Third party complaint									
a. No prior appearance	10.00	18.00	10.00			8.00	10.00	6.00	<del>56.00</del> 62.00
b. With prior appearance (Fee Category J. Pleadings)						8.00		6.00	<del>8.00</del> 14.00

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTAR S Tech. Fund	Senior Mag. Judges Fund	Total
7. Cross Claim (defendant v. defendant or plaintiff v. plaintiff) a. No prior appearance	10.00	18.00	10.00			8.00	10.00	6.00	<del>56.00</del> 62.00
b. With prior appearance (Fee Category I. or J. Pleadings)						8.00		6.00	<del>8.00</del> 14.00
8. Counterclaim (defendant v. plaintiff) a. No prior appearance	10.00	18.00	10.00			8.00	10.00	6.00	<del>56.00</del> 62.00
b. With prior appearance (Fee Category I. or J. Pleadings)						8.00		6.00	<del>8.00</del> 14.00
9. Petition for judicial consent to abortion									No Fee
K. Juvenile and Family Matters 1. Petition for adoption	10.00	18.00	10.00	10.00		<del>7.00</del> 4.00	10.00	6.00	<del>65.00</del> 68.00
2. Petition for termination of parent-child relationship	10.00	18.00	10.00	10.00		<del>7.00</del> 4.00	10.00	6.00	<del>65.00</del> 68.00
3. Consolidated adoption and termination of parent-child relationship	10.00	18.00	10.00	10.00		<del>7.00</del> 4.00	10.00	6.00	<del>65.00</del> 68.00
4. Petition for permission to marry	10.00	18.00	10.00	10.00		<del>7.00</del> 4.00	10.00	6.00	<del>65.00</del> 68.00
5. Petition under Juvenile Corrections Act									No Fee
6. Petition under Child Protection Act									No Fee
7. Petition for commitment of mentally ill									No Fee
8. Petition for sterilization									No Fee
L. Probate matters – The following fees to be charged whether it be a probate of a single or joint estate 1. Application for informal probate a. No prior appearance	10.00	18.00	10.00	17.00		17.00	10.00	6.00	<del>82.00</del> 88.00
b. With prior appearance				17.00		17.00			34.00

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTAR S Tech. Fund	Senior Mag. Judges Fund	Total
2. Petition for formal probate (testacy determination)									<del>82.00</del>
a. No prior appearance	10.00	18.00	10.00	17.00		17.00	10.00	<u>6.00</u>	<u>88.00</u>
b. With prior appearance				17.00		17.00			34.00
3. Any petition or application of any person for appointment as personal representative after petition or application for probate has been filed				17.00		17.00			34.00
4. Any petition for formal or informal probate asking for appointment of a personal representative	10.00	18.00	10.00	17.00		17.00	10.00	<u>6.00</u>	<del>82.00</del> <u>88.00</u>
5. Initial petition, motion or appearance of any person, other than an applicant for personal representative (except for items 7, 8, and 11 below)									<del>82.00</del>
a. No prior appearance	10.00	18.00	10.00	17.00		17.00	10.00	<u>6.00</u>	<u>88.00</u>
b. With prior appearance				17.00		17.00			34.00
6. Administration of estate under 15-3-1205, Idaho Code and proceedings to determine heirship without administration									<del>24.00</del>
a. No prior appearance				10.00		4.00	10.00	<u>6.00</u>	<u>30.00</u>
b. With prior appearance				10.00		4.00			14.00
In addition to the above fees under Category L, the following probate fees shall be collected from any person filing the following documents, whether or not the person has appeared previously:									
7. Demand for notice (not an appearance)						9.00			9.00
8. Demand for bond (not an appearance)									
a. Before appointment of personal representative									No Fee
b. After appointment of personal representative						9.00			9.00

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Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTAR S Tech. Fund	Senior Mag. Judges Fund	Total
17. Cases to determine inheritance tax in transfer				10.00		4.00	10.00	<u>6.00</u>	<del>24.00</del> 30.00
18. Filing of a renunciation									No Fee
M. Guardianship Matters									
1. Petition for appointment of guardian <u>or receipt and acceptance of foreign guardianship</u>									<del>112.00</del>
a. No prior appearance	10.00	18.00	10.00	10.00	50.00	4.00	10.00	<u>6.00</u>	<del>112.00</del> 118.00
b. With prior appearance				10.00		4.00			14.00
2. Consent to testamentary appointment as guardian without petition									<del>112.00</del>
a. No prior appearance	10.00	18.00	10.00	10.00	50.00	4.00	10.00	<u>6.00</u>	<del>112.00</del> 118.00
b. With prior appearance				10.00		4.00			14.00
3. Any objection by any person to the appointment of a guardian except that no fee shall be charged to the minor or alleged incapacitated person filing an objection									<del>102.00</del>
a. No prior appearance	10.00	18.00		10.00	50.00	4.00	10.00	<u>6.00</u>	<del>102.00</del> 108.00
b. With prior appearance				10.00		4.00			14.00
4. Initial petition, motion, or appearance of any person except the minor involved	10.00	18.00		10.00	50.00	4.00	10.00	<u>6.00</u>	<del>102.00</del> 108.00
<del>5. Intermediate or final accounting of guardian</del>					<del>25.00</del>	<del>9.00</del>			<del>34.00</del>
<del>6.5. Status reports</del>					25.00				25.00
N. Conservatorship									
1. Petition for appointment of conservator <u>or receipt and acceptance of foreign conservatorship</u>					50.00				<del>132.00</del>
a. No prior appearance	10.00	18.00	10.00	17.00		17.00	10.00	<u>6.00</u>	<del>132.00</del> 138.00
b. With prior appearance				17.00		17.00			34.00
<del>2. Copy of appointment of foreign conservator</del>									
<del>a. No prior appearance</del>	<del>10.00</del>	<del>18.00</del>		<del>17.00</del>	<del>50.00</del>	<del>17.00</del>	<del>10.00</del>		<del>122.00</del>
<del>b. With prior appearance</del>				<del>17.00</del>		<del>17.00</del>			<del>34.00</del>



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Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTAR S Tech. Fund	Senior Mag. Judges Fund	Total
R. Appeals and transfers from magistrate division to district court									
1. Appeal from magistrate division of district court									
a. Small Claims (Small Claims Dept. to Magistrate Division)	10.00	18.00	10.00			9.00			47.00
b. Small Claims (Magistrate Division to District Court)	10.00	18.00	10.00			9.00		6.00	<del>47.00</del> 53.00
c. Other Civil Appeals	10.00	18.00	10.00			9.00		6.00	<del>47.00</del> 53.00
d. Criminal Appeals									No Fee
2. Appeal or petition for judicial review, or cross-appeal or cross-petition, from commission, board or body to the district court	10.00	18.00	10.00	17.00		17.00		6.00	<del>72.00</del> 78.00
3. Any transfer from magistrate division to district court (to be paid by the party transferring or causing the action to be transferred in addition to any appearance fee)	10.00	18.00		10.00		4.00			42.00
S. Filing Foreign Judgment									
1. Filing judgment creditor						7.00			7.00
2. Motion or application of judgment debtor to stay execution	10.00	18.00		10.00		4.00	10.00	6.00	<del>52.00</del> 58.00
3. Filing a custody decree from another state under I.C. §32-1116									No Fee
T. Civil appeals or cross-appeals to the Supreme Court (District court fee \$9.00; Supreme Court fee \$86.00. The clerk of the district court shall collect the entire fee and remit the \$86.00 fee to the Supreme Court with a certified copy of the notice of appeal. Rule 23(b), I.A.R.)	(\$86.00 Sup. Ct)					9.00		6.00	<del>95.00</del> 101.00
U. Miscellaneous fees per statute (i.e. copies, passport fees, etc.)	As pre-scribed by statute								